

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

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Legislative Document

No. 1317

H.P. 915

House of Representatives, March 15, 2005

An Act To Prohibit and Provide Penalties for the Issuance, Manufacture and Use of False Academic Degrees or Certificates

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAIN of Orono.
Cosponsored by Representatives: MAKAS of Lewiston, STEDMAN of Hartland, Senator:
MILLS of Somerset.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA c. 410 is enacted to read:

CHAPTER 410

FALSE ACADEMIC DEGREES OR CERTIFICATES

§10801. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Accreditation. "Accreditation" means a formal status granted by an accrediting agency to an institution meeting or exceeding the educational quality criteria as stated in the accrediting agency's publication in order to assess and enhance the educational quality of an institution, ensure consistency in institutional operations, promote institutional improvement and provide for public accountability.

2. Accreditation mill. "Accreditation mill" means an entity that is created to give the appearance that certain substandard schools or institutions of higher education are legitimately accredited organizations, that is not recognized by any authorized state, professional or national agency and that has few, if any, standards for quality.

3. Diploma mill. "Diploma mill" means an institution of higher education operating without accreditation or supervision of a state or a nationally recognized professional agency and granting diplomas that are either fraudulent or, because of lack of proper standards, worthless.

4. Degree mill. "Degree mill" means a school or institution of higher education without accreditation that meets any one of the following conditions:

A. Issues degrees without requiring any student academic work;

B. Issues degrees based solely on the student's life experience or portfolio without requiring any college-level work submitted to and evaluated by faculty with appropriate academic degrees from standard accredited institutions; or

C. Issues degrees basing more than 50% of required credits on the student's life experience.

5. Duly authorized institution of higher learning. "Duly authorized institution of higher learning" means an institution that:

- 2 A. Has accreditation recognized by the United States
4 Secretary of Education or has the foreign equivalent of such
6 accreditation;
- 8 B. Has an authorization to operate under the laws of this
10 State; or
- 12 C. Does not operate in this State and is:
- 14 (1) Licensed by the appropriate agency of another
16 state; and
- 18 (2) An active applicant for accreditation by an
20 accrediting body recognized by the United States
22 Secretary of Education.
- 24 **6. False academic degree.** "False academic degree" means a
26 document such as a degree or certification of completion of a
28 degree, course work or academic credit, including a transcript,
30 that provides evidence or demonstrates completion of a course of
32 instruction or course work that results in the issuance of an
34 associate or more advanced degree by an institution that is not a
36 duly authorized institution of higher learning.
- 38 **7. Substandard school or institution of higher education.**
40 "Substandard school or institution of higher education" means an
42 entity without accreditation that offers credentials purported to
44 be degrees without requiring the type and level of academic work
46 typically needed to earn a degree and that:
- 48 A. Issues degrees without requiring any substantial student
 academic work;
- B. Issues degrees based solely on the student's life
 experience or portfolio without requiring any college-level
 work submitted to and evaluated by faculty with appropriate
 academic degrees from accredited institutions;
- C. Issues degrees without requiring that at least 80% of
 the student work for which credit is given be college-level
 work appropriate for the degree;
- D. Issues degrees using more than 20% of required credits
 based on the student's life experience;
- E. Issues degrees using more than 20% of credits
 transferred from an unaccredited school or institution of
 higher education; or

2 F. Issues degrees without at least 80% of student work for
3 credit being evaluated by faculty with accredited degrees or
4 issues degrees based on a nationally recognized
5 college-level examination such as College Level Examination
6 Program, Advanced Placement or New York Regents.

8 **§10802. Unlawful to issue, manufacture, or use false academic**
9 **degrees; penalty**

10 1. False academic degree. A person may not issue or
11 manufacture a false academic degree. A person who violates this
12 subsection commits a Class C crime.

13 2. Use of false academic degree. A person may not use a
14 false academic degree:

15 A. To obtain employment;

16 B. To obtain a promotion or higher compensation in
17 employment;

18 C. To obtain admission to an institution of higher
19 learning; or

20 D. In connection with any business, trade, profession or
21 occupation.

22 A person who violates this subsection commits a Class D crime.

23 **§10803. Unlawful to use degree or certificate when course work**
24 **not completed; penalty**

25 1. Unlawful use of degree. A person may not knowingly use
26 a degree, certificate, diploma, transcript or other document
27 purporting to indicate that the person has completed an organized
28 program of study or completed courses when the person has not
29 completed the organized program of study or the courses as
30 indicated on the degree, certificate, diploma, transcript or
31 document:

32 A. To obtain employment;

33 B. To obtain a promotion or higher compensation in
34 employment;

35 C. To obtain admission to an institution of higher
36 learning; or

2 D. In connection with any business, trade, profession or
3 occupation.

4 2. Penalty. A person who violates this section commits a
5 Class D crime.

6 **§10804. Consumer protection**

7 The department shall provide, via publicly accessible sites
8 on the Internet, information to protect students, businesses and
9 others from persons, institutions or entities that issue,
10 manufacture or use false academic degrees. This information must
11 include the names of known state, national and international
12 diploma mills, degree mills, accreditation mills and substandard
13 schools or institutions of higher education.

14 **SUMMARY**

15 This bill makes it illegal to issue, manufacture and use
16 false academic degrees or certificates to obtain employment, to
17 obtain promotion or higher compensation in employment, to obtain
18 admission to an institution of higher learning or in connection
19 with any business, trade, profession or occupation. This bill
20 also authorizes the Department of Education to protect consumers
21 by providing Internet site information naming and updating known
22 state, national and international diploma mills, degree mills,
23 accreditation mills and substandard schools.